

REMARKS

Claims 1-9 and 11-30 are pending in the application. Claim 10 has been canceled without prejudice or disclaimer of the subject matter therein, and new claim 30 has been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks herein.

Claim Rejections – 35 U.S.C. § 102

Claims 1-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,836,030 to Hazeu et al. ("Hazeu"). This rejection is respectfully traversed.

As noted above, claim 10 has been canceled without prejudice or disclaimer. Consequently, the rejection of claim 10 has been rendered moot.

Each of claims 1 and 21, as amended herein, provide the features of the multiple bristle support segments including a first support segment that rotates about a first axis, and a second support segment that rotates about the first axis and that selectively swivels about a second axis. As discussed in further detail below, Hazeu fails to disclose at least these features of each of claims 1 and 21.

Hazeu is directed to a dental cleaning device and attachment therefor. More specifically, Hazeu provides an attachment 3 that extends along a longitudinal axis 4, and that includes a tuft 9 of bristles 10 and a tuft 11 of interdental bristles 12 (col. 6, ll. 36-46, Figs. 4-6). The bristles 10 of the tuft 9 are pivotable about a pivotal axis 15, which extends transverse to the longitudinal axis 4 (col. 6, ll. 47-58, Figs. 4-6). The interdental bristles 12 of tuft 11 extend adjacent to the bristles 10, and are reciprocally driven about a pivotal axis 17, which extends parallel to the pivotal axis 15, in an arcuate path (col. 6, l. 59-col. 7, l. 6m Figs. 4-6). Accordingly, the tuft 9 with the bristles 10 pivot about the pivotal axis 15, while the tuft 11 with the interdental bristles 12 pivot about the pivotal axis 17, which is parallel to the pivotal axis 15. In an alternative arrangement, Hazeu skews the pivotal axis 17 such that it is at an angle β relative to the pivotal axis 15, which angle β is approximately 10° , but can lie within a range between 1° and 9° , and also in a range between 11° and 30° or 40° (col. 12, ll. 5-20, Fig. 9). In this arrangement, the

interdental bristles 12 are reciprocally pivot about the pivotal axis 17 with a movement having a main component that is parallel to a plane that is perpendicular to the pivotal axis 15 of the bristles 10 (col. 12, ll. 20-27).

Hazeu fails to disclose the features of a first support segment that rotates about a first axis, and a second support segment that rotates about the first axis and that selectively swivels about a second axis. As discussed in detail above, the tuft 9 with bristles 10 is pivotal about the pivotal axis 15, while the tuft 11 with interdental bristles 12 is pivotal about the pivotal axis 17. Hazeu does not disclose the tuft 11 with interdental bristles 12 being pivotal about both the pivotal axis 17 and the pivotal axis 15. In fact, the arrangement of Hazeu would prohibit concurrent pivoting of the tuft 11 with interdental bristles 12 about multiple pivotal axes.

In view of the foregoing, Hazeu fails to set forth each and every element of claims 1 and 21, and fails to show the identical brush head or toothbrush in as complete detail as is contained in claims 1 and 21, respectively, as required when applying a reference under 35 U.S.C. § 102. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Each of claims 2-9, 11-20 and 22-29 ultimately depends from claim 1, which defines over the asserted reference, as discussed in detail above. Consequently, each of claims 2-9, 11-20 and 22-29 also defines over the asserted reference for at least the same reasons. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Other Claim Amendments

Claims 2, 6, 11, 12 and 24 have been amended in view of amended claim 1. Claims 11 and 12 have also been amended to depend from claim 1 in view of canceled claim 10. New claim 30 has been added.


CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

Applicant requests a xx month extension of time. All fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 02894-0669US1.

Respectfully submitted,

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